

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

In re:

Chapter 11

41-23 HAIGHT STREET REALTY, INC.,

No. 19-43441-NHL

Debtor.

Hon. Nancy Hershey Lord

**ORDER SCHEDULING A HEARING ON SHORTENED NOTICE OF
THE MOTION OF OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF
41-23 HAIGHT STREET REALTY, INC. FOR AN ORDER STIPULATION AND ORDER:
(I) FIXING AND ALLOWING THE CLAIMS OF 41-31 HAIGHT STREET LENDER LLC;
(II) AUTHORIZING THE CHAPTER 11 TRUSTEE TO PAY AND SATISFY IN FULL
LENDER'S CLAIM FROM SALE PROCEEDS; AND
(III) GRANTING RELATED RELIEF**

Upon the application ("Application"), of the Official Committee of Unsecured Creditors (the "Committee"), of the above-captioned debtor (the "Debtor"), by and through its counsel, seeking entry of an Order scheduling a hearing on shortened notice of the Committee's motion (the "9019 Motion"), seeking entry of an Order, pursuant to section 105(a) of title 11 of the United States Code (the "Code") and rule 9019(a) of the Federal Rules of Bankruptcy Procedure (the "Rules"), approving the Stipulation and Order (I) Fixing and Allowing the Claims of 41-31 Haight Street Lender LLC; (II) Authorizing the Chapter 11 Trustee to Pay and Satisfy in Full Lender's Claim from Sale Proceeds; and (III) Granting Related Relief, dated as of August 26, 2020 (the "Lender Settlement Agreement"), by and among Gregory M. Messer, solely in his capacity as the Chapter 11 Trustee (the "Trustee"), the Committee, solely on its behalf and not on behalf of each of its members, and 41-31 Haight Street Lender LLC (the "Lender"), and granting such other, further and different relief as this Court deems just and proper; and upon the Affirmation of Scott J. Bogucki, Esq. pursuant to Local Bankruptcy

Rule 9077-1, which sets forth, among other things, the basis for the Application; now, therefore, it is hereby

ORDERED that, a telephonic hearing shall be held before the Honorable Nancy Hershey Lord, United States Bankruptcy Judge, United States Bankruptcy Court for the Eastern District of New York, located at 271 Cadman Plaza East, Brooklyn, New York 11201 on September , 2020 at : 0 .m. (“Hearing”) to consider the 9019 Motion; and, it is further

ORDERED that, a copy of this Order and the 9019 Motion (including all exhibits thereto) shall be served by electronic mail or overnight mail on or before September , 2020 to:

- i. The Debtor, through its counsel;
- ii. The United States Trustee;
- iii. Entities who have filed a Notice of Appearance in this case and requested notice under Rule 2002; and
- iv. Individuals and entities who filed proofs of claim against the Debtor’s estate.

and such service shall be deemed adequate and sufficient notice of the Hearing; and, it is further

ORDERED that, objections, if any, must be in writing, conform with the Code, the Rules, and the Local Rules, and be filed electronically with the Court on or before September , 2020 by :00 .m.; and it is further

ORDERED that, proof of service in accordance with this Order shall be filed with the Court prior to the Hearing; and, it is further

ORDERED that, the Committee is authorized and directed to take such steps, execute such documents, and expend such funds as may be reasonably necessary to effectuate and implement the terms and conditions of this Order.